



00655-0809
Index 885
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
HENRY LUKAS et al) LATENT HEAT STORAGE DEVICE
Serial No. 09/678,990) Group Art Unit 3743
Filed October 4, 2000) Examiner Nahir B. Patel

**COMMENTS ON STATEMENT
OF REASONS FOR ALLOWANCE**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowability dated July 1, 2004 and the reasons of allowance contained therein, Applicants have the following comment.

The Examiner's Statement of Reasons for Allowance appears to be a summarization of the language of claim 1 by the Examiner. The language does not reflect the limitations recited in claims 13 and 20 and claims depen-

37 CFR 1.8
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 1, 2004.

Signature: _____

Karen Sanderson

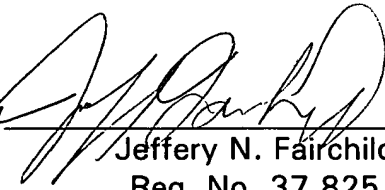
Name: _____

Karen Sanderson

dent therefrom which had been allowed in a previous Office Action. Applicants wish to specifically state that the allowability of each of the claims stands dependent upon the language recited in the claims, rather than any summarization of such language made by the Examiner and, further, that nothing from the summarization of claim 1 contained in the Statement of Reasons for Allowance should be interpreted as importing limitations from claim 1 into claims 13 or 20 or the dependent claims, which stand on their own with respect to allowance and interpretation. Should the Examiner disagree with any of the foregoing, Applicants respectfully request notification as soon as possible. Otherwise, Applicants have paid the issue fee with the understanding that each of the claims has been allowed based on the language recited in that claim and not dependent on the importation of any language from any other claim.

Respectfully submitted,

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER

By 
Jeffery N. Fairchild
Reg. No. 37,825

October 1, 2004

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TRANSMITTAL LETTER

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance and Fee Due dated July 1, 2004, the undersigned reviewed the file and determined that a response from the U.S. PTO had never been received for the Petition to the Commissioner filed under a certificate of mailing dated May 28, 2003. This Petition dealt with an election of species requirement set forth in an Office Action dated December 30, 2002 and with the making of the Office Action final. While the next Office

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Signature: _____


Karen Sanderson

Name: _____ Karen Sanderson

Action was received and was indicated to be non-final, Applicants never received a determination on the Petition with respect to the election of species requirement. Attempts to determine the status of this Petition resulted in a phone call from the Examiner, Examiner Patel, to the undersigned wherein the Examiner explained that to his recollection the Petition had been granted and that the election of species requirement had been withdrawn. In a subsequent telephone conference, Examiner Patel confirmed the foregoing after having checked on the matter in the U.S. PTO and indicated that he would issue an Interview Summary to that effect. Accordingly, Applicants are paying the issue fee with the understanding that the election of species requirement discussed in the above-referenced Petition to the Commissioner has been withdrawn and that it will have no effect on the interpretation of the claims and the coverage of the claims.

Respectfully submitted,

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER

By 
Jeffery N. Fairchild
Reg. No. 37,825

October 1, 2004

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